

SN 10/774,300
Amendment Dated February 9, 2006
Response to Office Action Mailed January 13, 2006

PATENT

REMARKS/ARGUMENTS

This paper is submitted in response to the Final Office Action mailed January 13, 2006. Reconsideration is respectfully requested.

Claims 1-10 were examined, claims 11-25 having been withdrawn pursuant to a Restriction/Election Requirement, and subsequently canceled without prejudice to the resubmission of the subject matter of these claims in a divisional application.

Claims 1-7, 9, and 10 stand rejected under 35 U.S.C. §103(a) as unpatentable over US 6,099,400 – Ragnarsson et al. in view of US 5,112,269 – Petersen, deceased et al. (“Petersen et al.”) and in further view of US 4,517,707 – Braginsky et al. Claim 8 was rejected on the same grounds as unpatentable over Ragnarsson et al. in view of Petersen et al. and Braginsky et al., and in further view of US 3,818,818 – Hice. For the reasons discussed in detail below, these rejections are respectfully traversed.

The undersigned Attorney, on behalf of the Applicant, expresses appreciation to the Examiner for the courteous and helpful telephonic interview conducted on February 8, 2006. The interview will be summarized below.

The present invention, as defined, for example, in claim 1, is a method of processing shrimp, comprising the steps of (a) steam boiling the shrimp at a pressure exceeding atmospheric pressure and at a temperature exceeding the boiling point at atmospheric pressure (i.e., “pressure-cooking” the shrimp with super-heated steam); (b) rapidly cooling the shrimp; (c) peeling the cooled shrimp; (d) separating the shrimp meat from the “remains” (shell parts and eggs that remain attached to the meat after peeling) in a flotation separation step in which the shrimp meat and the attached remains are introduced into a separation liquid, defined as a brine solution, which causes the meat to float and the remains to sink; and (e) removing the meat from the separation liquid. The “flotation separation,” by which the meat is caused to float and the remains are caused to sink is, as mentioned in the specification, a surprising result that is achieved by the claimed invention.

In framing the above-noted rejections, Braginsky et al. was cited for its disclosure of a flotation separation step. The flotation separation process described in Braginsky et al., however, differs in significant in significant and patentably distinct ways from Applicant’s claimed invention.

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Specifically, as discussed in Applicant's response to the first office action, there is no teaching or suggestion in Braginsky et al. that the disclosed separation process is to be used after the shrimp have been boiled, cooled, and mechanically peeled. The purpose of the Braginsky et al. process appears to be to separate the meat from the shells by first subjecting the shrimp to fluid pressures in the "breaking-up chamber 5" to crack the shells and to initiate the separation of the shells from the meat. See column 5, lines 33-43. Then, without any prior peeling step, the separation process is preformed with a "working fluid," which can be either fresh or salt water (column 4, lines 64-65), or even a gas (compressed air or steam; see column 3, lines 64-65). Thus, unlike the Applicant's claimed process, the nature of the working fluid is not critical, because the flotation separation is preformed by generating an "ascending flow" of the working fluid that causes *the shells to rise while allowing the meat to sink*. See column 5, lines 9-31; and column 5, line 47 to column 6, line 18. In contrast, the flotation separation step in Applicant's claimed invention, as defined in claim 1, does not require any "ascending flow" of the separation liquid, but it does require that the liquid be a brine solution, which performs the separation without the need for any particular flow. Moreover, in contrast to the teachings of Braginsky et al., the flotation separation step defined in claim 1 causes the meat to float, while the shell parts and eggs sink.

Thus, there would be no reason to look to Braginsky et al. for any teaching of a flotation separation process that uses a brine solution bath to cause the meat to float and the "remains" (including eggs) to sink, because this reference teaches the opposite result.

In the above-mentioned telephonic interview of February 8, 2006, Applicant orally presented arguments regarding the differences between Applicant's claimed invention and the method described in the Braginsky et al. reference. In particular, Applicant pointed out the language at column 6, lines 10-18, in which the reference, in describing the separation of the meat from the waste components in the vertical chamber 19, states, "The meat sinks in the ascending flow of the working fluid whose velocity is lower than the hovering descent velocity of the meat, while the rest of the components are raised by the ascending flow of the liquid into the upper part of the chamber 19...." Upon reviewing the reference, the Examiner agreed with the Applicant's interpretation of the reference, and he consequently agreed with the Applicant's

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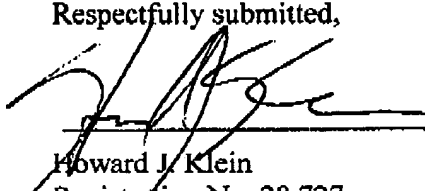
position that the reference teaches away from the claimed invention, in which the meat is caused to *float* and the waste components to *sink*.

It was therefore agreed that claims 1-10 define patentably over the art of record, for the reasons set forth in Applicant's response to the first Office Action. While the Examiner reserved the right to conduct a further search, it was agreed that, absent more relevant prior art that might be found in such further search, claims 1-10 would be allowed, and the application passed to issue.

In summary, it is respectfully submitted that claims 1-10 define patentably over the art of record and should be allowed. Passage of the application to issue is therefore earnestly solicited.

Should there be any further issues to be resolved in this application, the Examiner is respectfully requested to telephone the undersigned Attorney to expedite the prosecution of this application to issue.

Respectfully submitted,

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